

Chair: Peter Burling
Vice Chair: Katherine Hersh

Minutes October 23, 2009, 10:00 am
Legislative Office Building Room 201

Attendance: Peter Burling, Kathy Hersh, Senator Martha Fuller-Clark, Representative Candace Bouchard, Representative Keans, Representative Bob Williams, Representative Allen, Representative Keans, Mike Izbicki, Chris Clement, Tom Mahon, Ron O'Brien, Ted Starkweather, Nancy Larson, Mike Tardiff, Jay Minkarah, Tim Moore, Malcolm Taylor, Kit Morgan, Mark Brewer, Tim White

Chair Burling opened the meeting at 10am. He had all the Authority members introduce themselves.

Chair Burling asked Plaistow to begin their presentation. Shawn Fitzgerald, town manager for Plaistow introduced himself and recognized others including Leigh Komornick from the Rockingham Planning Commission and Tim Moore. He said Senator Baddour from MA and Jim Jajuga, President and CEO of the Greater Haverhill Chamber of Commerce, were enroute and he would like to wait for them to arrive at 10:30.

Public input

Robin Comstock addressed the Authority and introduced Mike Skelton and Nate the intern. Rail is a high priority for the Chamber. Thank you to NHRTA. Not an easy job. Challenge with Pan Am Railways (PAR). Stay the course. Maintain the commitment. All of our success to date is the result of alliance among Nashua, Manchester, and Concord. Powerful base because we united. Changing the plan would be damaging. Our support is based on economic benefit. The Airport is a necessary part of the plan. Broad unwavering support. Business community raised \$120,000. It was personal connections that helped to get those funds. She wants it to remain as originally intended. Unprecedented opportunity – sense of responsibility for entire state of NH, not just individual communities. Our efforts to bring passenger rail to NH must include Manchester and on to Concord.

Chair Burling said there was an accident on one of the railroads last night. Peter Leishman was slightly injured. We extend our best wishes and speedy recovery. Bill Remington said Rep. Leishman is doing well this morning,

MOTION by Mike Izbicki, seconded by Senator Martha Fuller Clark to approve minutes of August 14th meeting. Motion passed.

Mr. Jajuga and Senator Baddour arrived and were introduced by Shawn Fitzgerald. Mr. Jajuga said the Greater Haverhill Chamber of Commerce includes 8 communities in NH. Two years ago when he took the job he recognized that we were not paying attention to the NH communities. Greatest need should be aimed at bringing rail from Haverhill to NH, in particular Plaistow. The Chamber approached Senator Baddour. They have had several meetings with MBTA and Plaistow authorities and Rockingham authorities, who wanted an indication of MA's strong support of this partnership. Senator Baddour said it is a pleasure to be here. He represents border communities – a partnership with NH communities. This is a great opportunity and he is committed to seeing it through. Senator Baddour is the Chair of the Senate

transportation committee in MA. Big reform in MA. New authority, new board MBTA, new MBTA manager. Tim Moore said he is under the impression that to operate in NH there needs to be some legislative authority from MA. Senator Baddour replied that in order for MBTA to enter into agreement they need legislative approval. That is the least of their concerns. Chair Burling said it would be helpful to have a checklist of what is done and needs to be done. Shawn Fitzgerald said they met with NH DOT. Plaistow sent letter to MA expressing the need for coordination between NH and MA DOTs. Plaistow has had rail in the past. They recently met with Chris Clement and Kit. They are just starting this conversation with NHRTA. This would complement the NH Capitol Corridor. Senator Baddour said MBTA has done a lot of study and he can provide that information. Merrimack Valley Planning Commission and Rockingham Planning Commission have done a lot of work. Chair Burling said he is not meaning to displace any work DOT has done. Senator Baddour said he would be happy to host a meeting with MBTA and NH representatives – a general meet and greet.

Senator Martha Fuller Clark asked how we will finance. Senator Baddour said it makes sense for MA to have a bond bill, also some federal money, and MBTA wants a layover facility so they would be paying for that. Mr. Jajuga said the line in Rhode Island is expanding to TF Green Airport and they are swapping tax credits. MBTA wants to take that agreement and bring it to NH. Senator Baddour will set up a meeting in Haverhill.

Leigh said she provided the packet on our desks. It will help to bring us up to speed. She included documentation of history of rail in the area. Plaistow had identified its train station location and the layover facility. \$140 million is set aside by MBTA to relocate layover facility.

Shawn wants to see NH Capitol Corridor happen because our nation needs it. Mike Izbicki thinks MBTA has all operating agreements in place. Tim said they still need to firm up where the layover station will be. See page 6 for next steps. Leigh said where funding comes from is a big issue. Chair Burling said, as Senator Martha Fuller Clark always says, what are the costs? Leigh is asking what role NHRTA would play. We don't have to answer now but ... Chair Burling asked what do you need from us? Tim said MBTA cannot own a service outside MA, but they can be contracted to operate. So someone has to own the service – obvious job for NHRTA. Kathy asked if there are any issues with PAR that impact moving forward. Shawn said he hasn't heard anything at this time. Leigh said at the meeting last year MBTA said they had an agreement with PAR. Tim said they swapped some track rights so MBTA has the rights over the track in Plaistow.

Senator Martha Fuller Clark asked if 2010 is a critical date. What do you need from NH within that timeframe? It is not clear to us. Shawn said they need a feasibility study. MBTA has been working on a report that is supposed to be quite detailed. He will work with Kit to see how that would work with NH. Plaistow governing body has eagerly pursued this. They are cognizant of the costs. Rockingham Regional Planning Commission has listed this as a priority. Also have CMAQ funding of \$900,000.

Plaistow is eager to continue to work with us; they see extraordinary opportunities. Chair Burling suggested forming a subcommittee of this board to get us quickly down the line. Some of us need to sit down with MBTA and MA. Shawn said he is not sure Plaistow wants a layover station; they want a train station. They are looking for intermodal opportunities.

Scott Bogle from the Rockingham Planning Commission said the RPC supported this project for many years. Chair Burling said DOT Commissioner George Campbell cannot join us today. Chair Burling and Mike Izbicki went to DC. The Authority needs to discuss what we do now with the NH Capitol Corridor. We have been very effective about avoiding division along geographic lines because we have stayed focused on our collective goal. Discussion may raise some differences of opinion.

Mike Izbicki and Chair Burling went to DC to attend a conference “passenger trains on freight railroads” for 2 days. He and Mike covered all their expenses themselves. It was expensive but they learned a lot. They got to meet people who make decisions. There’s an extraordinary effort across the country. Money is going to be used to buy really fast shiny trains. Everyone will then want one. CA is definitely going to get funding. It was very clear from the discussion that CA goes first, Midwest goes second. Amtrak has its own capacity to distribute funds. It is clear they are interested in supporting Downeaster. Knowledge Corridor along the Connecticut River line is going to happen. Did not see anything else in the New England grouping that looks like it is getting the kind of attention as those two projects. They did not see our project on the radar screen.

The Authority made it abundantly clear 2 years ago regarding our priorities. Chair Burling wants to revisit. The other caution he heard in DC is the significant concern about US Congress’ willingness to continue funding rail beyond 5 years. So we have a time constraint. We have couple or 3 years or it will be too late. As a public authority we have these conversations in public. He hopes for consensus.

Chris Clement said one option is Amtrak running on NH Capitol Corridor. Commissioner Campbell and Chris Clement are setting up a meeting with Mr. Boardman at Amtrak. Chair Burling is also talking to them and will be going to DC in two or 3 weeks to meet with Amtrak. The State received a letter from Amtrak saying they are interested.

Chris Clement said Amtrak is the only company in the world who could run on PAR’s tracks. Amtrak can run on anyone’s tracks, which makes it a viable option. Chair Burling said he had a wonderful meeting with the Surface Transportation Board (STB). He confirmed Chris Clement’s comments about Amtrak. Amtrak could take over the whole service. Power of eminent domain has been preempted by STB. Not clear how much of that power remains with the State.

Malcolm referenced a previous court case that may be useful. Chris Clement remembered that David Fink said he understood that Amtrak could run over his tracks. Jay said, while it is disappointing to see a breakdown of negotiations, we need to step back and remember that we have made significant progress. We have applied for the study money. We never thought it would be easy or fast. We have alternatives. He suspects the Finks may come back to the table eventually. Jay said we need to stay the course. Keep our eyes on what our goal is. Continue to pursue every avenue. Senator Martha Fuller Clark asked what else do we need to be doing with Amtrak. Representative Candace Bouchard commented regarding staying the course. If we are out of the running for the \$300 million what other opportunities do we have? We need to show some success.

Chair Burling said there are train related options and public info and political options. Then there are questions like who are the real players. He heard that there are concepts about bringing a train to Tyngsboro, MA with a train station to the west of the line and a layover station. This allows a subset of people to get a train. Some folks out there are interested in that idea. He has heard about public info and

politics. Since 7/13 the state's largest newspaper has been crowing about defeating rail. No rallying by business and citizens to support. It is becoming a partisan issue. We need to push back. Need to talk this up more together or individually. Need to engage the cities and towns to be served in a more effective way. One of the big players is Norfolk Southern. Craig Lewis said that when they were up here last April. He asked if anyone was interested in going to Norfolk Southern (NS) and saying this will not work until NS gets control of the railroad. There's a rumor that there's an effort by NS to buy PAR, but he has no details on that. Apparently they didn't agree on price. Chris Clement said it is a first step toward total acquisition. Chair Burling said maybe we need to make it clearer to NS. Dan Kelley asked if the Authority has made a decision if we are going for high speed or commuter. Chair Burling said intercity has been our express policy. Chris Clement said that's because of the funding aspect. If 'commuter' is there, we do not qualify for FRA money. Chair Burling said it is a huge problem with sneaking across the border. James Vayo stressed the importance of quantifying the data about how it will change the economy of the State. Chair Burling agrees.

Chair Burling said the State of NH is sending the message that the State of NH is not backing rail. However, every business person supports it. Mike Izbicki said look at money we raised in 5 days. Chris Clement said airport not even maxed to its full potential. World airports have rail at their airports. Once service in place, it will grow exponentially. Malcolm asked what is PAR's objection. Have we talked to Wayne Davis in ME who had some of the same problems?

Tim Moore said Trainriders Northeast did battle with PAR and STB was always the arbiter. Every issue they went back to STB who made a ruling. It took 12 years. Chris Clement said we need to focus on the positive part. We have hit a crossroads. What are our options going forward – all good. FRA funding will be there. He talked to David Fink a couple of weeks ago to maintain the relationship. Thinks we will get track 3 planning money. FRA said we made the right decision to not go after the track 2 money. We will meet with Amtrak and continue the dialog with PAR. Look at Plaistow. Another option is to go to Pheasant Lane Mall, right over the border. From political point of view it could show NH this will be successful. Chair Burling said he wants feedback regarding Pheasant Lane Mall. He has heard concerns from people that if we go to Pheasant Lane Mall, we will never go further north. At the core it is our cohesion as a group that is at stake. Representative Candace Bouchard asked why do you think if we have a success in Nashua there is a will to not go further north. She thinks it will be the opposite. Just because we do one, doesn't mean we stop doing the other. Jay said we are sending a mixed signal. It is extending commuter rail 10 miles, which is not passenger rail. Manchester will oppose any attempt to separate this project.

Kathy Hersh said she wanted to weigh in on the discussion especially as someone from Nashua. She reminded everyone that years ago the first phase of the project was to get to Nashua. And everyone referred to it as a 'Nashua' project, not a 'NH' project. It was only when Manchester joined Nashua in supporting rail did the project start to gain some momentum. She recalls being in a meeting with MBTA where they stressed the importance of getting to Manchester Airport. MBTA folks said that was very important to the Commonwealth of MA and would be important to gain MA's support. Kathy said she agrees with Jay. She also let everyone know that Nashua had met recently with Pheasant Lane Mall and they did not shut the door. She believes it is reasonable to continue those discussions so we do not miss any opportunities.

Chair Burling noted by only going to Nashua we lose northbound farebox that would be going to the Airport. We lose MBTA interest. He does not want to lose the connection bet Manchester and Nashua. He asked Representative Candace Bouchard for her thoughts. Representative Candace Bouchard said Concord definitely wants the rail. The Manchester Airport is important. Regarding the House, it all comes down to the operating costs. It is difficult to get new revenue sources to fund anything. Planning grant is very important to determine if can truly be high speed. Chair Burling said he hopes we all remember that operating will work just fine like Downeaster. Representative Candace Bouchard reminded everyone that the Downeaster is having problems with that. Chair Burling said the economic development on an improved rail infrastructure is huge. At the conference he saw the numbers – CA Capitol Corridor fare box is paying for service.

Tom Mahon said another reason we should stay the course is the impact on Manchester Airport of MBTA pushing rail to TF Green Airport in Rhode Island. This will affect our economy. Bedford doing some studies of economic development impacts of development. Economic engine not reaching its full potential. Important to keep it coming through. He mentioned temporal segregation – running the freight trains at night. Seems Amtrak is our best shot. Tom is willing to go to meet with Norfolk Southern with Chair Burling. Tom thinks that is great potential.

A member of the public mentioned that the STB is taking 7 miles of track in NH in the next 45 days and giving it to B&M. He stressed the importance of protecting the 7 miles even though there is no customer on it right now. Chris Clement said he would look into it.

Mark Brewer said he was involved with the extension of rail to TF Green Airport. Amtrak was already serving Providence, and it was a tremendous opportunity for economic growth. Mark said he agrees with Jay's comments. He said it is part of a system and needs to go in both directions. Europeans always ask if there is rail at Manchester airport. He has concern about rail line that stops in Nashua and doesn't continue on. How would it get paid for, particularly the operating cost? Does it then undermine track 3 money? Lot of people went out on a limb to get private money to help fund studies. He is concerned about going back to the well. We need an economic impact study. The State's largest newspaper does not support rail. We need to identify how we will pay for the operating costs. We need NHRTA to adopt how we are going to pay for it. He wants an economic impact study that the Governor can stand on. We can stand on. Need to build momentum. We have been down in the weeds. Need to come across as having the fundamentals of how we will operate, how we will pay. He offered to help in any way.

A member of the public from Londonderry said he was fully for passenger rail in NH. Instead of doing it the old fashioned way – he suggested getting federal money to pay for mag lev from Boston up I-93 along corridor. Chair Burling said we will be discussing in the future.

Kit said the State rail plan doesn't have a lot of answers. The legislation that Congress passed in 2008 expanded what the rail plan has to cover. Last rail plan was completed in 2001. New requirements add more detailed discussion of funding, state's priorities of rail projects, rail and passenger, decision making process, how the State proposes to finance the plan. He had been preparing to hire a consultant but found out that other states' costs were higher than what we put aside. We need to have update in place to qualify for any money that is not stimulus.

Kit said the current plan says we want rail lines privately owned. Kit says plan primarily focuses on freight but not only. Chair Burling said he will ask Commissioner Campbell and Chris Clement if NHRTA should adopt state policy/plan at least with regard to passenger rail. Senator Martha Fuller Clark said that makes a lot of sense. It allows for public input. No resources in the past so having an updated plan was not as critical. Need to be prepared to pursue money. Chair Burling asked everyone to please read Kit's info. Kit recommends that we look at other state's rail plans. Senator Martha Fuller Clark asked about a deadline for submission. Kit said primarily if we are applying for funding we need a plan.

Chair Burling said he wants to hold long range planning committee discussion. Kathy suggested members think about whether it should be a standing committee or an ad hoc committee. Also, she suggested someone write up a couple of sentences regarding the responsibilities of the committee.

Representative Keans said she put in legislation to remove 'transit' from all legislation. There is also a bill to re-examine the issue between Peter Leishman and the DOT. Representative Keans took transit out because of wanting to be able to focus on freight as well. Chris Clement said we want transit in there to include the bus people. Mark suggested it should say 'rail and transit' authority. Ok with Representative Keans. Representative Allen suggested changing Capitol Corridor to Capitol Rail.

Senator Martha Fuller Clark asked Chair Burling to review current language because there may be other changes. Chair Burling will talk to the people at drafting. Senator Martha Fuller Clark asked, in spite of funding issues, if Mike and Chair Burling were well received in DC. Chair Burling said they were well received but everyone could tell we are not ready. They were the only state officials from mid atlantic to ME. They also met with Senator Shaheen. Others were not available. And they met with STB. Senator Martha Fuller Clark said there is still a lot of momentum. Chair Burling agreed there is latent support, huge desire. People want to see this happen. MA needs to know we are with them. He is thinking about sending down a letter supporting the Knowledge Corridor that MA wants so much.

MOTION by Senator Martha Fuller Clark, seconded by Representative Allan to send a letter in support. Motion passed.

MOTION by Mark Brewer, seconded by Jay Minkarah to adjourn. Motion passed at 12:15.

Respectfully submitted,

Katherine Hersh